

IN THE CLAIMS:

Please amend the claims to read as follows:

Listing of Claims

Claims 1-16 (Canceled).

17. (Currently Amended) The A transmitting apparatus ~~according to claim 16 used in a mobile communication system to~~ transmit a signal by radio to a communicating party, the transmitting apparatus comprising:

a symbol rate determiner that determines a symbol rate of a transmitting signal based on a channel variation speed between transmission and reception of a received signal, said symbol rate of the transmitting signal being made greater in response to an increase in the channel variation speed so as to make a channel variation between symbols or in a burst relatively minute; and

a transmitter that transmits data by radio based on said determined symbol rate,

wherein said symbol rate determiner determines the symbol rate such that a product of a transmitting time and a channel variation speed per symbol maintains a constant value.

18. (Previously Presented) A transmitting apparatus used in a mobile communication system to transmit a signal by radio to a communicating party, the transmitting apparatus comprising:

a symbol rate determiner that determines a symbol rate that minimizes an error rate based on a channel variation speed and a relative delay time of multipaths; and

a transmitter that transmits data by radio based on said determined symbol rate.

19. (Previously Presented) A transmitting apparatus used in a mobile communication system to transmit a signal by radio to a communicating party, the transmitting apparatus comprising:

a symbol rate determiner that determines a symbol rate that minimizes an error rate based on a channel variation speed and a delay profile; and

a transmitter that transmits data by radio based on said determined symbol rate.

20. (Canceled).

21. (Currently Amended) ~~The~~ A transmitting apparatus ~~according to claim 16 used in a mobile communication system to~~

transmit a signal by radio to a communicating party, the transmitting apparatus comprising:

a symbol rate determiner that determines a symbol rate of a transmitting signal based on a channel variation speed between transmission and reception of a received signal, said symbol rate of the transmitting signal being made greater in response to an increase in the channel variation speed so as to make a channel variation between symbols or in a burst relatively minute; and

a transmitter that transmits data by radio based on said determined symbol rate,

wherein said transmitter transmits a signal only in a period of a high received signal level.

22-28. (Canceled).

29. (Previously Presented) A transmitting method used in a mobile communication system to transmit a signal by radio to a communicating party, the method comprising:

detecting a channel variation speed between transmission and reception of a received signal; and

determining a symbol rate of a transmitting signal having a best error rate characteristic from the channel variation speed and relative delay times of multipaths.

30. (Previously Presented) A transmitting method for use in a mobile communication system for transmitting a signal by radio to a communicating party, the method comprising:

detecting a channel variation speed between transmission and reception of a received signal; and

determining a symbol rate of a transmitting signal having a best error rate characteristic from the channel variation speed and a delay profile.